

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

In re:

CAPITAL ONE 360 SAVINGS ACCOUNT
INTEREST RATE LITIGATION

MDL No. 1:24md3111 (DJN)

This document relates to
ALL CASES

ORDER
(Ordering Notice of Compliance)

This matter comes before the Court on its own initiative. In its June 16, 2025 Order preliminarily approving the class action settlement in this multidistrict litigation (ECF No. 174), the Court found that Plaintiffs' Notice Plan as presented to the Court was "reasonable calculated to provide notice to the Settlement Class." (*Id.* ¶ 14.) The Court based that finding on Plaintiffs' representation that Epiq Class Action & Claims Solution, Inc. ("Epiq"), the designated settlement administrator, would "maintain a Settlement Website" and that Epiq "maintains thorough and strict data privacy and security standards." (ECF No. 162 at 19.) As set forth in Plaintiffs' Notice Plan, the Settlement Website would perform a central role, serving as a central repository where class members could access all relevant documents, including the complaint, long form notice, postcard notice, email notice, relevant press releases, the settlement agreement, the Court's preliminary approval order and other relevant settlement and Court documents. (ECF No. 163-1 ¶ 11.3.)


It has recently come to the Court's attention that the Settlement Website cannot be accessed by any computer in the Federal Judiciary due to a security deficiency. The Court is concerned that its own difficulties in accessing the website are likely to be shared by class

members. Such a result would undermine the effectiveness of the Notice Plan as presented to, and preliminarily approved by, the Court, and would call into question whether class members have received adequate notice in this case.

The Court therefore ORDERS Plaintiffs to file a notice with the Court no later than September 26, 2025, confirming that all access and security issues regarding the Settlement Website have been resolved and that the website fully complies with the Notice Plan as originally presented to the Court.

Let the Clerk file a copy of this Order electronically and notify all counsel of record, as well as the Special Master.

It is so ORDERED.

/s/ 

David J. Novak
United States District Judge

Richmond, Virginia
Dated: September 17, 2025